IN THE UNITED STATES DISTRICT COURT FOR THE DISTRICT OF DELAWARE

FACTORY MUTUAL INSURANCE : Civil Action No. 05-96 JJF

COMPANY, a/k/a FM GLOBAL

a/s/o Catalog Resources, Inc. d/b/a ClientLogic : a subsidiary of ClientLogic Operation Corporation : JURY OF TWELVE DEMANDED

and THE HARTFORD a/s/o Vivre, Inc.

Plaintiffs,

v.

EAST COAST ERECTORS, INC., LIGHTHOUSE CONSTRUCTION, INC., BECKER MORGAN GROUP, INC., and O'DONNELL, NACCARATO & MACINTOSH, INC.

Defendants. :

NOTICE OF WITHDRAWAL OF MOTION

TO: ALL COUNSEL OF RECORD

PLEASE TAKE NOTICE that the undersigned hereby withdraws its Motion for Summary Judgment (D.I. 28) and Opening Brief in Support of its Motion for Summary Judgment (D.I. 29), without prejudice to its rights to refile this motion or any other motion at a later date.

WETZEL & ASSOCIATES, P.A.

/s/ Natalie M. Ippolito_

Benjamin C. Wetzel, III (I.D. No. 985) Natalie M. Ippolito (I.D. No. 3845) The Carriage House, Suite 201 1100 N. Grant Avenue Wilmington, DE 19805 (302) 652-1200 nippolito@wetzellaw.com

Robert B. Hill, Admitted Pro Hac Vice MCLAIN & MERRITT, P.C. 3445 Peachtree Road N.E., Suite 500 Atlanta, GA 30326

Attorneys for Defendant East Coast Erectors, Inc.

Dated: August 26, 2005

CERTIFICATE OF SERVICE

I hereby certify that on August 26, 2005, I electronically filed the within Notice of Withdrawal with the Clerk of Court using CM/ECF which will send notification of such filing to the following:

> Bruce W. McCullough, Esquire McCullough & McKenty 1225 N. King Street, Suite 1100 P.O. Box 397 Wilmington, DE 19899-0397

Victoria K. Petrone, Esquire Tighe, Cottrell & Logan, PA PO Box 1031 Wilmington, DE 19899

I hereby certify that on August 26, 2005, I have mailed by United States Postal Service, the document to the following non-registered participants:

> Geoffrey W. Veith, Esquire Rogut McCarthy Troy, LLC One First Avenue – Suite 410 Conshohocken, PA 19428

David L. Baumberger, Esquire Chrissinger & Baumberger Three Mill Road, Suite 301 Wilmington, DE 19806

James F. Bailey, Jr., Esquire Bailey & Associates Three Mill Road, Suite 306A Wilmington, DE 19806

WETZEL & ASSOCIATES, P.A.

/s/ Natalie M. Ippolito_ Natalie M. Ippolito (I.D. No. 3845) The Carriage House, Suite 201 1100 N. Grant Avenue Wilmington, DE 19805 (302) 652-1200 nippolito@wetzellaw.com